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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHARD GIBSON and ROBERTO MANZO,
Plaintiffs,

v.

CENDYN GROUP, LLC, THE RAINMAKER
GROUP UNLIMITED, INC., CAESARS
ENTERTAINMENT INC., TREASURE
ISLAND, LLC, WYNN RESORTS HOLDINGS,
LLC, BLACKSTONE, INC., BLACKSTONE
REAL ESTATE PARTNERS VII L.P., JC
HOSPITALITY, LLC,

Defendants.

Case No. 2:23-cv-00140-MMD-DJA

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME TO
RESPOND TO AMENDED
COMPLAINT AND SETTING
BRIEFING SCHEDULE ON
DEFENDANTS' MOTION TO
DISMISS**

(FIRST REQUEST)

STIPULATION

Plaintiffs Richard Gibson and Roberto Manzo (together, “Plaintiffs”) and Defendants Cendyn Group, LLC, the Rainmaker Group Unlimited, Inc., Caesars Entertainment, Inc., Treasure Island, LLC, and Wynn Resorts Holdings, LLC, (together, “Defendants”)¹ (Plaintiffs and Defendants collectively, the “Parties”), by and through their counsel, hereby stipulate and agree to extend the deadline under Federal Rule of Civil Procedure 15(a)(3) for responding to Plaintiffs’ Amended Complaint, ECF No. 144, and propose a briefing schedule for Defendants’ forthcoming motion to dismiss, for the following reasons:

1. On October 24, 2023, the Court granted Defendants’ motion to dismiss Plaintiffs’ complaint, and instructed that any amended complaint be filed within 30 days. ECF No. 141.
2. On November 2, 2023, the Court entered an order extending the deadline for Plaintiffs to file an amended complaint to November 27, 2023, and directed the Parties to “meet and confer and thereafter submit to the Court a mutually agreeable schedule for Defendants to respond to the amended complaint.” ECF No. 143 ¶ 6.
3. Plaintiffs filed their Amended Complaint on November 27, 2023. ECF No. 144.
4. The Amended Complaint adds three new defendants to this case, the last of whom was served with a summons on December 1, 2023. ECF Nos. 146, 147, 148.
5. Counsel for the Parties conferred and agreed that, in light of the three new defendants added to the Amended Complaint, who will require time to engage counsel before responding to the Amended Complaint, and the upcoming holidays, the response deadline should be extended to February 14, 2024. The Parties thereafter agreed to a proposed briefing schedule for Defendants’ anticipated responses to the Amended Complaint.
6. The deadline for Defendants to respond to the Amended Complaint is otherwise December 11, 2023. *See* Fed. R. Civ. P. 15(a)(3).

¹ Plaintiffs’ Amended Complaint adds three new named defendants: Blackstone Real Estate Partners VII L.P., Blackstone, Inc., and JC Hospitality, LLC. The Parties to this stipulation do not include the newly added Defendants, which were only recently served, but the Parties expect that once those new Defendants retain counsel, they will agree to this proposed schedule and/or notify the Court of any separate response and/or briefing schedule request.

7. This is the first stipulation for an extension of time related to the response to the Amended Complaint and briefing schedule for any motion to dismiss the Amended Complaint.

8. The Parties' proposed schedule will not impact any other deadlines in this case.

Accordingly, the Parties hereby stipulate and agree, and respectfully request that the Court order, the following schedule:

1. The deadline for Defendants to respond to Plaintiffs' Amended Complaint and file their forthcoming motion or motions to dismiss is extended to February 14, 2024.

2. Plaintiffs will file an opposition to Defendants' motion(s) to dismiss by April 26, 2024.

3. Defendants will file a reply in support of their motion(s) to dismiss by June 14, 2024.

Dated: December 7, 2023

/s/ Steve W. Berman

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*Attorneys for Defendant The Rainmaker
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27
28
ORDER

IT IS SO ORDERED.

DISTRICT COURT [MAGISTRATE] JUDGE

DATED: December __, 2023

CERTIFICATE OF SERVICE

The undersigned hereby certifies that service of the foregoing **STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO AMENDED COMPLAINT AND SETTING BRIEFING SCHEDULE ON DEFENDANTS' MOTION TO DISMISS** was served on the 7th day of December, 2023 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ J. Colby Williams
An employee of Campbell & Williams